

Message Text

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FROM USDEL LOS

FOR DEPUTY SECRETARY CHAIRMAN, NSC UNDER SECRETARIES
COMMITTEE FROM AMBASSADORS STEVENSON AND MOORE

E.O. 11652: XGDS-3

TAGS: PLOS

SUBJ: WEEKLY ASSESSMENT OF GENEVA SESSION OF LAW OF
THE SEA CONFERENCE-PERSONAL VIEWS OF DELEGATION
CHAIRMAN AND VICE CHAIRMAN

1. TWELVE MILE TERRITORIAL SEA: GENERAL AGREEMENT ON
THIS ESSENTIAL PART OF GENERAL PACKAGE WITH 200-MILE
TERRITORIALISTS LIMITING SELVES TO FORMAL RESERVATIONS,
SEEKING TO STRENGTHEN COASTAL STATE RIGHTS IN TERRITORIAL
SEA AND, IN SOME CASES, TO DELAY CONFERENCE.

2. UNIMPEDED TRANSIT THROUGH, OVER AND UNDER STRAITS:
OPPOSITION IS PRINCIPALLY LIMITED TO SPAIN, EGYPT,
MOROCCO, YEMEN, OMAN, PHILIPPINES, AND IRAN. SETTLE-
MENT WITH INDONESIA ON ARCHIPELAGOES AND WITH EGYPT ON
TRANSIT THROUGH STRAIT OF AQUABA ARE MOST CRITICAL
ELEMENTS IN ACHIEVING OUR STRAITS OBJECTIVES. SEE
SEPARATE CABLES ON THESE SUBJECTS.

3. ECONOMIC ZONE: MAJOR BREAKTHROUGH ACHIEVED: 30
NATION UNOFFICIAL EVENSEN GROUP (IN WHICH MOST REGIONAL
GROUP LEADERS AS WELL AS USA, USSR, UK, FRANCE,

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JAPAN AND CHINA REPRESENTED) IS CLOSE TO FINAL AGREE-

MENT ON SINGLE WORKING TEXT FOR GENERAL ECONOMIC ZONE ARTICLES. TEXT WOULD RECOGNIZE 200-MILE ECONOMIC ZONE IN WHICH COASTAL STATES HAVE SOVEREIGN RIGHTS OVER RESOURCES AND JURISDICTION AS PROVIDED IN CONVENTION WITH RESPECT TO PRESERVATION OF MARINE ENVIRONMENT, SCIENTIFIC RESEARCH (ENVIRONMENT AND RESEARCH TO BE DEALT WITH IN SEPARATE CHAPTERS) AND ARTIFICIAL ISLANDS AND CERTAIN INSTALLATIONS AND STRUCTURES; ON THE OTHER HAND THIRD STATES HAVE IN ECONOMIC ZONE FREEDOMS OF NAVIGATION, OVERFLIGHT, LAYING PIPELINES AND CABLES, AND OF OTHER USES RELATED TO NAVIGATION AND COMMUNICATIONS. RIGHTS IN RESPECT OF RESIDUAL PRESENT OR FUTURE USES NOT VESTED IN EITHER COASTAL OR OTHER STATES.

SERIOUS TACTICAL PROBLEM INVOLVED IN OBTAINING ACCEPTANCE OF THIS DELICATE ACCOMMODATION BY CONFERENCE AS A WHOLE, PARTICULARLY BY NON-PARTICIPATING STATES. WE HAVE ENCOURAGED CHAIRMAN COMMITTEE II TO INCLUDE EVENSEN TEXT IN HIS OWN TEXT COVERING INITIALLY TERRITORIAL SEA, ECONOMIC ZONE, STRAITS AND HIGH SEAS.

CONSIDERABLE AGREEMENT IN EVENSEN GROUP ON FISHERIES PROVISIONS RECOGNIZING COASTAL STATE SOVEREIGN MANAGEMENT AND CONSERVATION RIGHTS SUBJECT TO DUTIES OF CONSERVATION AND FULL UTILIZATION. WE ARE ACTIVELY NEGOTIATING SPECIAL PROVISIONS ON SALMON AND TUNA AMONG INTERESTED STATES IN EXPECTATION CAN BE ADOPTED THIS WEEK BY EVENSEN GROUP.

A MAJOR ISSUE IN ECONOMIC ZONE NEGOTIATIONS IS WHETHER COASTAL STATE CONTROL OVER INSTALLATIONS SHOULD COVER INSTALLATIONS USED FOR MILITARY PURPOSES. MEXICO AND PERU SUPPORTED BY MANY OTHER DEVELOPING COUNTRIES HAVE URGED COASTAL STATE CONTROL OVER ALL INSTALLATIONS IN ECONOMIC ZONE AND WE HAVE STRONGLY RESISTED ON GROUND DISARMAMENT SHOULD BE DEALT WITH IN OTHER FORUMS. LEADER OF MEXICAN DELEGATION ADVISED AMBASSADOR STEVENSON HE HAS REQUESTED RELIEF FROM INSTRUCTIONS TO SEEK COASTAL STATE CONTROL OVER ALL INSTALLATIONS,

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INCLUDING MILITARY INSTALLATIONS, IF GENERAL ECONOMIC ZONE ARTICLES WHICH HE FAVORS SURVIVE IN SUBSTANTIALLY PRESENT FORM.

OTHER MAJOR ECONOMIC ZONE ISSUE IS WHETHER LIMIT OF ECONOMIC ZONE SHOULD EXTEND BEYOND 200 MILES WHEN CONTINENTAL MARGIN EXTENDS BEYOND 200 MILES. CANADA, AUSTRALIA, NORWAY, UK, ARGENTINA AND OTHER BROAD MAR-

GIN STATES CONSIDER THIS A MAKE OR BREAK ISSUE. DISADVANTAGED AND MOST AFRICAN STATES ARE OPPOSED TO GOING BEYOND 200 MILES, BUT IMPORTANT LEADERS HAVE INDICATED WILL DO SO IF NECESSARY TO ACHIEVE AGREEMENT IF ACCOMPANIED BY REVENUE SHARING BEYOND 200 MILES. MOST BELIEVE PROFIT SHARING BEST FORMULA FOR REVENUE SHARING BEYOND 200 MILES. WE ARE WORKING FOR GENERAL AGREEMENT ON ABOVE LINES. WHILE ONLY LIMITED DISCUSSIONS OF HOW MUCH PROFIT SHARING NECESSARY, UNOFFICIAL BALLPARK PROPOSALS MADE RANGE FROM 10 PERCENT (NEW ZEALAND) TO 50 PERCENT (KENYA).

4. DEEP SEABEDS: PROGRESS IN COMMITTEE I NEGOTIATION IN COMPARISON TO CARACAS SESSION HAS BEEN SUBSTANTIAL, BUT THERE REMAIN SERIOUS DOUBTS AS TO WHETHER CERTAIN KEY COMMITTEE I ISSUES CAN BE AGREED THIS SESSION. NEGOTIATIONS ARE CONCENTRATING ON DEVELOPING COMPROMISE BASIC CONDITIONS TO GOVERN EXPLOITATION THROUGH JOINT VENTURES AND WE ANTICIPATE THAT WITHIN ONE TO TWO WEEKS A NEGOTIATED DRAFT OF BASIC CONDITIONS CAN BE FORMALLY PRESENTED TO COMMITTEE I FOR APPROVAL. AGREEMENT IN PRINCIPLE ON NECESSITY FOR DETAILED PROVISIONAL REGULATIONS CAN PROBABLY BE OBTAINED. COMPROMISE BASIC CONDITIONS WILL LEAVE SOME DISCRETION TO AUTHORITY AND THUS MUST BE ACCOMPANIED BY AGREEMENT ON ARTICLES ON COUNCIL, ASSEMBLY AND DISPUTE SETTLEMENT. BELIEVE LAST THREE OR FOUR WEEKS OF SESSION PROVIDE ADEQUATE TIME FOR NEGOTIATION OF THESE KEY MACHINERY ARTICLES BUT CANNOT PREDICT NOW THE EXTENT TO WHICH THESE MATTERS CAN BE TIED DOWN BY END OF SESSION.

ASSUMING COMMITTEE I NEGOTIATION CONTINUES TO MOVE
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RAPIDLY, WE WOULD LEAVE GENEVA WITH AGREEMENT ON BASIC CONDITIONS GOVERNING JOINT VENTURES SYSTEM, AGREEMENT IN PRINCIPLE ON NEED FOR PROVISIONAL DETAILED REGULATIONS TO ACCOMPANY TREATY AS ONE OF FINAL ACTS OF LOS CONFERENCE OR A TREATY ARTICLE REQUIRING THAT THEY BE PREPARED WITHIN SHORT TIME PERIOD BY PROVISIONAL MACHINERY, AND AGREEMENT ON COMPOSITION AND VOTING OF COUNCIL AND BASIC ELEMENTS OF DISPUTE SETTLEMENT ORGAN. UNLIKELY, HOWEVER, THAT QUESTION OF DIRECT EXPLOITATION BY AUTHORITY AND PRODUCTION CONTROLS, WILL BE NEGOTIATED HERE. IT IS POSSIBLE THAT GROSSLY SIMPLIFIED TEXTS OF REGIME AND MACHINERY ARTICLES, READY FOR NEGOTIATION OR VOTING, WILL HAVE SURFACED BY END OF SESSION. ALSO PROBABLE THAT CONFERENCE WILL ADOPT NEW MORATORIUM RESOLUTION.

5. SCIENTIFIC RESEARCH, MARINE POLLUTION, DIS-
PUTE SETTLEMENT: ONLY LIMITED DEVELOPMENTS TO DATE;
WILL REPORT NEW WEEK.
ABRAMS

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